

United States District Court
WESTERN DISTRICT OF TENNESSEE
Eastern Division

05 DEC -1 AM 8:46
D.C.
THOMAS M. GOULD
CLERK U.S. DISTRICT COURT
W.D. OF TENN. JACKSON

ALLEN KINNEY III

JUDGMENT IN A CIVIL CASE

v.

RICKY FITZPATRICK

CASE NUMBER: 05-1026-T/An

Decision by Court. This action came to consideration before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that in compliance with the order entered in the above-styled matter on 11/30/05, Plaintiff must pay the full \$150 filing fee as directed in the order assessing said fee, entered on 11/30/05. This case is hereby DISMISSED for failure to exhaust administrative remedies. It is further CERTIFIED that, pursuant to 28 U.S.C. § 1915(a)(3), any appeal by plaintiff is not taken in good faith and plaintiff may not proceed on appeal *in forma pauperis*. If the plaintiff wishes to take advantage of the installment procedures for paying the appellate filing fee, he must comply with the procedures set out in McGore v. Wigglesworth, 114 F.3d 601, 610-11 (6th Cir. 1997) and 28 U.S.C. § 1915(a)-(b).

APPROVED:

James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

THOMAS M. GOULD
CLERK

12/1/05
DATE

BY: C. Herd
DEPUTY CLERK

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 12-05-05.

(6)



Notice of Distribution

This notice confirms a copy of the document docketed as number 6 in case 1:05-CV-01026 was distributed by fax, mail, or direct printing on December 5, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT